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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Robert Raska,	)	No. CV-08-00783-PHX-LOA
	)	
Plaintiff,	)	<b>NOTICE OF ASSIGNMENT</b>
	)	<b>AND ORDER</b>
vs.	)	
	)	
Teletech Holdings, Inc., a Delaware	)	
corporation; and Direct Alliance	)	
Corporation, an Arizona corporation,	)	
	)	
Defendants.	)	

Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective December 1, 2007, all civil cases are, and will be, randomly assigned to a U.S. district judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S. Magistrate Judge.

As a result of the aforesaid Local Rule, if all parties consent in writing, the case will remain with the assigned magistrate judge pursuant to 28 U.S.C. 636(c)(1) for all purposes, including trial and final entry of judgment. If any party chooses the district judge option, the case will be randomly reassigned to a U.S. district judge. To either consent to the assigned magistrate judge or to elect to have the case heard before a district judge, the appropriate section of the form, entitled Consent To Exercise Of Jurisdiction By United States Magistrate Judge<sup>1</sup>, must be completed, signed and filed.

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<sup>1</sup>The consent/election form may be obtained directly from the Clerk of the Court or by accessing the District of Arizona's web site at [www.azd.uscourts.gov](http://www.azd.uscourts.gov). To find the consent/election form on the District's web site, click on "Local Rules" at the top of the page,

1 The party filing the case or removing it to this Court is responsible for serving all parties  
 2 with the consent forms. Each party must file a completed consent form and certificate of  
 3 service with the Clerk of the Court not later than 20 days after entry of appearance, and  
 4 must serve a copy by mail or hand delivery upon all parties of record in the case.

5 Any party is free to withhold consent to magistrate judge jurisdiction  
 6 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson*  
 7 *v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9<sup>th</sup> Cir. 2003) (pointing out that  
 8 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A  
 9 party to a federal civil case has, subject to some exceptions, a constitutional right to  
 10 proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9<sup>th</sup> Cir. 1993)  
 11 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541  
 12 (9<sup>th</sup> Cir. 1984) (*en banc*)).

13 A review of the Court's file indicates that Defendants Teletech Holdings,  
 14 Inc., and Direct Alliance Corporation filed a Notice of Removal on April 24, 2008.

15 Defendants shall have until **May 22, 2008** within which to make their  
 16 selections to either consent to magistrate judge jurisdiction or elect to proceed before a  
 17 U. S. district judge. The Court's docket reflects the appropriate consent form was  
 18 electronically transmitted to all counsel on April 24, 2008 by the Clerk's office.

19 Accordingly,

20 **IT IS ORDERED** that the Defendants Teletech Holdings, Inc., and Direct  
 21 Alliance Corporation shall file on or before **May 22, 2008** their written elections to either  
 22 consent to magistrate judge jurisdiction or elect to proceed before a United States district  
 23 judge.

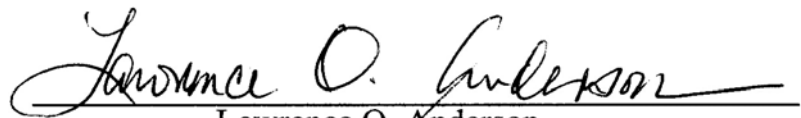
24 **IT IS FURTHER ORDERED** that Plaintiff shall either consent to proceed  
 25 before a magistrate judge or elect to proceed before a district judge by **May 22, 2008**.

26 \_\_\_\_\_  
 27 then click on "forms" on the left side of the page and then click on and print the appropriate  
 28 form.

1                   **IT IS FURTHER ORDERED** that counsel and any party, if  
2 unrepresented, shall hereinafter comply with the Rules of Practice for the United States  
3 District Court for the District of Arizona, as amended on December 1, 2007. The  
4 District's Rules of Practice may be found on the District Court's internet web page at  
5 [www.azd.uscourts.gov/](http://www.azd.uscourts.gov/). All other rules may be found as [www.uscourts.gov/rules/](http://www.uscourts.gov/rules/). The  
6 fact that a party is acting pro se does not discharge this party's duties to "abide by the  
7 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784  
8 F.2d 1006, 1008 (9<sup>th</sup> Cir. 1986).

9                   **IT IS FURTHER ORDERED** that counsel and any party, if  
10 unrepresented, shall use the above caption, number and initials until further order of the  
11 Court.

12                   DATED this 8<sup>th</sup> day of May, 2008.

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15                   Lawrence O. Anderson  
16                   United States Magistrate Judge  
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